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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/670,124	09/26/2000	Wai-Chung Chan	PD-200126	5665

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Patent Docket Administration
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EXAMINER

DUONG, THOMAS

ART UNIT	PAPER NUMBER
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2145

DATE MAILED: 03/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/670,124

Applicant(s)

CHAN ET AL.

Examiner

Thomas Duong

Art Unit

2145

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 January 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-39.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
Please see attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

DETAILED ACTION

Response to Argument

1. The Applicants' arguments and amendments filed on January 6, 2005 have been fully considered, but they are not persuasive.
2. With regard to claims 1, 11, 21, 29 and 39, the Applicants point out that,
 - *A thorough study of the Connection Lookup Table (CLT) reveals that there are n connections, and thus, n cell queues maintained by the shared buffer memory, which stores a tag for each cell to point to the next cell within a specific cell queue. The CLT does not provide any field that conveys the position of these n cell queues. Therefore, the claimed feature of "values that correspond to the relative positions of the M queues" cannot be taught or otherwise suggested by Zheng et al.*

However, the Examiner finds that the Applicants' arguments are not persuasive and maintains that Zheng discloses,

- *retrieving a search order table having a plurality of table entries corresponding to M queues that selectively store the packets, the table entries storing values that correspond to relative positions of the M queues and that are selected based upon a transmission constraint of the communication system; and (Zheng, col.1, lines 8-12; col.3, line 26 – col.4, line 4; col.4, lines 11-17; col.5, lines 18-20, lines 46-66; col.13, lines 21-25; col.14, lines 25-36; col.15, lines 7-37; fig.1; fig.16)*

Zheng discloses a *"Connection Lookup Table (CLT)"* having a plurality of table entries corresponding to cell queues since there is a *"cell queue for each connection"* (Zheng, col.14, lines 26-27). Zheng also discloses *"the addresses of the first and last cells of queues are stored in the CLT"* (Zheng, col.14, lines 31-33). The Examiner interprets that the CLT contains values relative to the position of the queues because according to Zheng, *"when a cell is transmitted, the First Cell Address field should be updated to the address of the next cell in the queue"* (Zheng, col.15, lines 7-9), but *"operation only needs to be performed at a connection switching time, i.e., when a transmitter stops transmitting cells of one connection and switches to another connection"* (Zheng, col.15, lines 12-15). In other words, at a connection switching time, the next cell queue to be transmitted is determined from the FCA of that connection which is stored in the CLT. In addition, Zheng states that *"a priority or timed-round-robin scheduling can be used to distinguish importance between connections"* (Zheng, col.13, lines 23-25) showing anticipation to prioritize the queues for transmission through the use of the CLT and the *"Control Unit, which manages the cell queues and schedules cells to be transmitted"* (Zheng, col.14, lines 33-35).

- *scheduling transmission of the packets stored in the M queues based upon the search order table.* (Zheng, col.1, lines 8-12; col.3, line 26 – col.4, line 4; col.4, lines 11-17; col.5, lines 18-20, lines 46-66; col.14, lines 25-36; fig.1; fig.16)

Zheng states that *"a priority or timed-round-robin scheduling can be used to distinguish importance between connections"* (Zheng, col.13, lines 23-25) showing anticipation to prioritize the queues for transmission through the use of

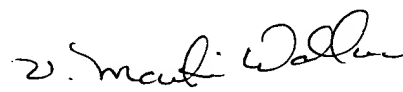
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the CLT and the "Control Unit, which manages the cell queues and schedules cells to be transmitted" (Zheng, col.14, lines 33-35).

3. With regard to claim 2, the Applicants point out that,

- *For example, dependent claim 2 recites "wherein the transmission constraint in the retrieving step specifies that the packets are to be transmitted to a plurality of destination nodes that are non-interfering, the communication system being a satellite communication system." The Office Action, on page 5, asserts that "the Zheng reference does anticipate a 'satellite' communication system through the term 'digital communication system.'" Applicants do not understand the legal basis for this reasoning, which appears to suggest that a disclosure of a genus necessarily discloses all possible species. This contention lacks grounding in established law.*

However, the Examiner finds that the Applicants' arguments are not persuasive and maintains that Zheng anticipates a "satellite" communication system through the term "digital communication system" (col.1, lines 8-9). Furthermore, throughout the Zheng reference, one of ordinary skill in the art can clearly observe terms (i.e. transmitter, outgoing link, incoming link, downstream, upstream, etc.) that can be construed as referring to a satellite communication environment. Therefore, the Applicants still failed to clearly disclose the novelty of the invention and identify specific limitation, which would define patentable distinction over prior art.



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